

REQUEST FOR RESPONSE: APR Improvement Program
MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES

RFR No. AGR-AIP13-4

Due Date: June 26, 2012

This Request for Response (RFR) contains three sections; Section I - Program Description, Section II - Application, Section III - Financial Statement. Those responding (Responders) must complete Sections II and III and return to the Department of Agricultural Resources by no later than 3:00 P.M. on Tuesday June 26, 2012, in order to be considered for participation in the program. *Electronic copies and Facsimiles shall not be accepted. Postmarks shall not be considered.*

SECTION I – PROGRAM DESCRIPTION

(1) Purpose:

The Massachusetts Department of Agricultural Resources (“Department”) invites responses from Massachusetts’ farmers with APR land who wish to participate in the APR Improvement Program. Farmers must be willing, in Phase I, to commit sufficient time to properly participate in the business planning process, and if they advance to Phase II, farmers must be willing to agree to implement agreed upon components of a business plan, and to enter into a Service Contract. All awards pursuant to this Program are contingent upon legislative authorization and administrative appropriation.

The purpose of the APR Improvement Program (“Program”) is to help sustain active commercial farming on land protected by the Agricultural Preservation Restriction (APR) Program. The Program shall provide technical assistance and business planning to improve farm productivity and to enhance the significance of farm operations and their contribution to the state’s agricultural industry. The Program will assist with issues that may enhance the long-term continued use of the agricultural resource, which may include but are not limited to: economic viability, environmental sustainability, resource conservation, family succession planning, and infrastructure improvement. A business plan (“Plan”) will be developed by a team engaged by the Department to be comprised of farmers and other agricultural, economic and environmental consultants as needed.

Farmers who develop Plans with the Department in Phase I are eligible to participate in Phase II of the Program upon interest by the farmer and upon a favorable decision of the Department. Participation in Phase II is based, in part, on needs identified in the Plan during Phase I and whether investments will improve the economic viability and environmental integrity of the agricultural operation. In order for the applicant to be eligible for implementation funding, the Plan must identify strategies that demonstrate that implementation will achieve at least one of the following: improve the economic viability of the farm; retain or create private sector jobs and tax revenue either directly or indirectly associated with a farm business; improve farm productivity and competitiveness; expand farm facilities as part of a business plan; support renewable energy or environmental remediation projects on farms; or expand and support markets and infrastructure to strengthen the farming industry. Phase II of the Program requires the execution

of a Service Contract between the Department and the farmer. The contract provides eligible participating farmers with funding to implement specified portions of the Plan.

The earliest possible payment under Phase II of the Program is March 2013, but most payments to qualifying farms will be made in May or June of 2013. The schedule is as follows: Review of responses to this RFR - July 1 through September 30, 2012. Pending the availability of funds, notification of acceptance into Phase I is expected in October 2012. Orientation for farmers who are accepted into the Program is planned for late October 2012. The Plans will be developed between November 1, 2012 and April 30, 2013 (Phase I). Executing contract documents in preparation of payment in Phase II then takes approximately five (5) to six (6) weeks from the time the Plan is accepted. Depending on the availability of funds, Department approval of Contracts and release of funds is expected to take place between March 2013 and June 2013. **Costs incurred prior to contract execution in Phase II cannot be reimbursed and will not qualify as Program expenditures.** Should additional funds become available, the Department may select other Responders, not initially chosen for participation, to participate in the Program at any time during Fiscal Year 2013.

(1A) Special Purpose

For this RFR, the Program is also inviting responses from farmers who have had agricultural land and/or agricultural structures damaged or destroyed by the flooding and other effects of Tropical Storm Irene in late August of 2011. Eligible uses of funds for this purpose include repair or replacement of structures, removing debris and deposits from farmland, and costs of materials and services to restore productive farmland. There is the potential for the reimbursement of costs already expended by farmland owners for these eligible activities. The value of damaged or lost crops is not eligible. Responders who wish to be considered for funding under this RFR Special Purpose shall have to meet all existing eligibility requirements, are subject to all review criteria, and need to complete the additional instructions found in Section (3A) of this RFR.

(2) Contract and Performance Specifications:

A. Eligibility

To be eligible for participation in the Program, a Responder must own, or be a Co-Responder with the owner of land that has been enrolled in the Agricultural Preservation Restriction (APR) Program since December 31, 2008, or before. APR eligible lands have been protected through Department funds. APR farms must be in active agricultural use and have been managed as a commercial agricultural enterprise by the Responder for at least the three (3) previous years to be eligible. Responders must have an NRCS farm conservation plan dated no earlier than 2006, or be actively involved in a planning process with the County Conservation District and prior to responding to this RFR have signed a Co-operator's Agreement with the District showing intent to complete an up-to-date Conservation Plan by April 1, 2013. Responders do not have to submit a copy of their NRCS farm conservation plan or their Co-operator's Agreement with their application but will be asked to present this information to representatives of the Department in Phase I. Non-profit organizations, and farms owned by non-profit organizations, are ineligible for this Program. Prior recipients of AIP funding are ineligible to reapply to the AIP Program. Prior participants of the MDAR Farm Viability Enhancement Program are ineligible to apply to AIP until after the covenant on their unrestricted land expires. Prior participants of the MDAR Matching Enterprise Grants for Agriculture (MEGA) Program are ineligible to apply to AIP for a period of 3 years following the start date of their MEGA contract.

B. Criteria for Selection

Eligible applications will be evaluated for selection based on the following criteria:

- (1) Indicates the highest potential for increased profitability and sustainability as a result of the Commonwealth's investment.
- (2) Defines barriers to ongoing viable farm operations and identifies opportunities for resource enhancement, diversification, expansion of production, or marketing improvement that will contribute to continued success of the farm enterprise.
- (3) Proposes activities that meet the purpose and goals of the Program.
- (4) Shows a significant but reversible risk due to low income, debt, family management problems, or other threats to the continuance of farm operations.
- (5) Identifies need for assistance with generational farm transfer issues within the family.
- (6) Demonstrates directly relevant agricultural experience and training of Responders.
- (7) The longer the farm property has been under APR, the higher the priority given for selection.
- (8) APR landowners and operators who have received Farm Viability Enhancement Program funding previously shall be assigned a lower priority for selection.

C. Funding For Plan Implementation – Phase II

In order to receive funding, the successful responder must participate in a technical assistance (TA) and business planning process (Phase I) that identifies farm improvement strategies that will be implemented with program funds. Following completion of Phase I the farm operator may be offered funding to implement those strategies developed in an APR Improvement Plan that achieves at least one (1) of the following six (6) requirements mandated by the legislation for this program:

- 1) improve the economic viability of the farm;
- 2) retain or create private sector jobs and tax revenue either directly or indirectly associated with a farm business;
- 3) improve farm productivity and competitiveness;
- 4) expand farm facilities as part of a modernization or business plan;
- 5) support renewable energy or environmental remediation projects on farms; or
- 6) expand and support markets and infrastructure to strengthen the farming industry.

Funding from the Program is optional and awards may be rescinded at anytime during the technical assistance and business plan development phase. Both the farmer and the Department must agree upon which selected elements from the Plan will be implemented prior to proceeding to Phase II.

Funds will be used primarily for identified capital improvements that will support or enhance the APR farm property. Eligible uses of funds include resource improvements and maintenance and/or new or improved infrastructure on the farm property. Examples of resource improvements and maintenance include pasture improvements and fencing, reseeding hay land, establishing perennial crops, improving drainage, and installing irrigation. Examples of infrastructure that may be built or improved include farm buildings such as farmstands, livestock housing, processing facilities, or storage barns. Up to 10% of the grant award may be available for other uses, such as marketing strategies, production improvements, or legal needs.

The level of funding shall vary depending on the number of acres on an eligible applicant's farm that are currently enrolled in the APR Program, the significance and productivity of the farm as determined by the operation's gross farm income over the past two (2) years (Schedule F, line 11, 1120S line 6, or other relevant statements) and the projected farm income following the completed strategy

implementation. Depending on the availability of funding, the Department may offer the Participants one of four funding options, which are determined using the following guidelines:

- (1) Owners of an APR farm generating up to \$50,000 gross farm income may receive up to \$25,000
- (2) Owners of an APR farm generating a minimum of \$50,000 gross farm income may receive up to \$50,000
- (3) Owners with at least 50 acres under APR and minimum \$100,000 gross farm income may receive up to \$75,000
- (4) Owners with more than one hundred (100) acres of APR land and over \$150,000 gross farm income may receive up to \$100,000, if funding is available at the end of Phase I. Participant farms must meet the following additional objectives and criteria in order to qualify for \$100,000:
 - a) Agricultural Significance – Does the Plan forecast an annual gross income from farm operations in excess of \$150,000 for the next three years?
 - b) Sharing Risk – Does the Plan of the Participant farm show the farm operator's investment in additional capital to the total implementation cost, which is at least one half the amount of the award amount (at least \$50,000)?
 - c) Impact on Industry – Does the Plan of the Participant farm create an opportunity, or help solve a problem, that will have an impact on other farm operations? Is this impact significant to the State's agricultural industry?
 - d) Farmer Commitment – Does the Plan of the Participant farm address the long-term viability of the farm including family succession issues for long-term management and ownership? The Plan of the Participant farm must show an intensity of use on the farm that is substantial enough so that it encourages ongoing use of the resource.
 - e) Success Stories –Following implementation of APR Improvement Plan strategies, operators of participating farms must be willing to share their experiences, which may benefit other farm operators, with the Department at sponsored farmer meetings, tours, or press events. Participants must be willing to release financial data to the Department that demonstrates the success of their farm business. The Department will strive to keep all such financial data confidential.

Responders will be informed which option the Department intends to offer when notified of acceptance into Phase I. However, a final determination will be made at the completion of Phase I. Notification of participation into the Program is not notification you are being awarded a grant. Determination of which option is offered to a Responder rests solely with the Department.

Funding under the special purpose provisions of the Program may be used to reimburse farmers for upfront capital or debt associated with debris cleanup or repairs to or replacement of farm buildings that was necessary due to damage incurred from Tropical Storm Irene in August of 2011.

D. Reporting and Documentation (Phase III)

- (1) Program Participants must provide the Department with all the records and receipts of the expenditures made with the funds received at a date specified in the service contract.
- (2) In order to evaluate the impact of the Program and upon request from the Department, Participants must submit information and financial data pertaining to their farming operation to the Department for a period of up to five (5) years following the termination date specified on the contract. All such financial data shall be considered confidential.

(3) Instructions for Submission of Responses

Anyone interested in submitting a response to this Request for Response must submit the completed **Section II - Application** and a completed **Section III - Financial Statement**. In addition to Section II and Section III, a Responder must submit (1) a USGS topographic map and (2) an aerial photo or map, with the farm property bounds, as well as APR land and exclusion outlined on each. Topographic maps and aerial photos are available online, or can be prepared by your USDA-NRCS field office as a free service to farmers. To receive this service from NRCS, Responders need to provide them with an outline of your farm's boundaries. Responders should contact NRCS as soon as possible as it may take several weeks before you receive these materials. If you already have an up-to-date NRCS Farm Conservation Plan (completed in 2006 or later), you can submit copies of maps and aerial photos from this plan.

(3A) Instructions for Special Purpose Responders

In addition to submitting required materials described in the instructions (3) above, responders who wish to be considered for participation in the Program for the purpose of funding repair or replacement of structures, or restoring productive farmland, must include a separate one-page addendum to their response to provide the Department with the following information that will be used to evaluate the response:

- What agricultural structure(s) or productive farmland was damaged or destroyed by Tropical Storm Irene in August 2011?
- Please describe how the loss is affecting your ability to continue with normal farm operations, or what actions you have already undertaken to remediate the damages.
- What is the estimated value of the lost structure(s) and how much will repairs or replacement cost? Provide the same information for damaged cropland detailing the number of acres requiring restoration and necessary steps and costs.
- Will funding from an insurance claim be providing any help? How much?
- United States Department of Agriculture – Farm Service Agency (FSA), Emergency Conservation Program funds are being made available for this emergency. Have you applied to the program and will you be receiving funding?
- Have you or will you borrow to fund restoration from this disaster? Is carrying additional farm debt a serious problem for your farm operations?
- Please provide a simple budget showing total cost of repairs, or replacement, or restoration due to this disaster and list the sources and amount of funds from owner investment, loans, grants, insurance, and any other sources.

You must include this one page addendum along with the Application and Financial Statement to be considered for these Special Purpose funds.

A. Application Evaluation

A staff review team ("Review Team") will consider all complete responses from eligible responders and rank them according to the stated criteria. The Review Team will be comprised of Agricultural Resources staff and Program consultants. Their ranking and recommendations shall be conveyed to an Advisory Committee of ten (10) to fourteen (14) members, appointed by the Department of Agricultural Resources, that are representative of a cross-section of the business and agricultural sectors, including employees of the Department. The Advisory Committee shall consider the rankings and then convey recommendations to the Commissioner of Agricultural Resources for final decisions. The Department shall make notifications of acceptance and rejection to applicants in writing. A Responder can withdraw

a response at any point. The Department reserves the right to consider geographic distribution of awards and/or agricultural diversity as additional criterion. All acceptances shall be conditional upon the availability of funding.

B. Deadline for Responses

Response (Section II and Section III) with all requested supporting documents (USGS topographical map with your property location outlined and aerial photograph or map with parcels owned, land in APR and land excluded from APR noted as indicated in Section II 5.a., b., and c., and any narrative attachments) must be received by no later than **3:00 P.M on Tuesday, June 26, 2012**, at the following address:

**Massachusetts Department of Agricultural Resources
Attn: Melissa Adams
101 University Drive Suite C4
Amherst, MA 01002**

****Electronic copies and Facsimiles shall not be accepted. Postmarks shall not be considered.****

(4) RFR Attachments:

The following forms will need to be completed as part of the process for applicants selected into the Program, but do not need to be completed or submitted as part of the response to this RFR.

A. At the beginning of Phase I, assistance will be provided to Participants to complete the following two forms:

1. Commonwealth Terms and Conditions. If the Responder or Bidder already has executed and filed the Commonwealth Terms and Conditions, please indicate this in your Response. The Commonwealth Terms and Conditions shall be incorporated by reference into any Contract for Commodities and Services executed pursuant to this RFR. A Responder or Bidder is required to execute the Commonwealth Terms and Conditions only once.

2. Request for Taxpayer Identification Number and Certification (W-9).

At the beginning of Phase II, a Participant must be willing to execute a Contract and must complete the following:

3. Commonwealth Standard Contract.

4. Electronic Funds Transfer Form (EFT)

5. Contractor Authorized Signatory Listing

6. Supplier Diversity Program Plan form

7. Scope of Services and Budget

Once a Responder has been selected to be a Participant in the Program, The Department shall provide a copy of these attachments to the Participant for completion and execution in the contract approval process.

(5) Notice to Responders: Responders shall not alter the RFR language or any RFR component files. Responders must respond in accordance to the RFR directions and complete only those sections that prompt the Responder for Response. Modifications to the body of this RFR, specifications, terms, and conditions, or which change the intent of this RFR are prohibited. Any unauthorized modifications shall disqualify a Response.

(6) Contract Type: Maximum Obligation

(7) Acquisition Methods: Purchase\Fee for Service

(8) Number of Vendors Required (Single or Multiple): Multiple

(9) Single or Multiple Department Users: Single. Only Agricultural Resources may contract under AGR-AIP13-4.

(10) Anticipated Contract Duration: Through December 31, 2014, with one (1) one-year option to renew.

(11) Anticipated Expenditures, Funding or Compensation: Maximum of \$100,000 per Program Participant.

(12) Reserves:

This RFR is an open enrollment solicitation, which means the Department of Agricultural Resources reserves the right to re-open this solicitation and add new contractors at any time during the life of this contract (which includes any options to renew). Open enrollment solicitation will have a defined open period during which a bidder may submit a response.

This solicitation may be re-open for the following reasons;

1. For special projects that are compelling and that happen "out of cycle" for the program. Special projects may be very large tracks of land, individual emergencies or disasters, or special opportunities for agricultural development to an industry or region. Out of cycle project shall be subject to the same review of staff, shall be required to meet all thresholds of the APR Improvement Program, and shall be subject to the same approval of the Commissioner.
2. Increased Funding.
3. Changing needs of the department.

(13) RFR Required Specifications

In general, most of the required contractual stipulations are referenced in the *Standard Contract Form and Instructions* and the *Commonwealth Terms and Conditions* (either version). However, the following RFR provisions must appear in all Commonwealth competitive procurements conducted under 801 CMR 21.00:

The terms of 801 CMR 21.00: *Procurement of Commodities and Services* (and 808 CMR 1.00: *Compliance, Reporting and Auditing for Human and Social Services*, if applicable) are incorporated by reference into this RFR. Words used in this RFR shall have the meanings defined in 801 CMR 21.00 (and 808 CMR 1.00, if applicable). Additional definitions may also be identified in this RFR. Unless otherwise specified in this RFR, all communications, responses, and documentation must be in English, all measurements must be provided in feet, inches, and pounds and all cost proposals or figures in U.S. currency. All responses must be submitted in accordance with the specific terms of this RFR.

Items with the text, "☞ *Required for POS Only*" specify a requirement for Purchase of Service (POS) human and social services procured under 801 CMR 21.00, *Procurement of Commodities or Services, Including Human and Social Services* and 808 CMR 1.00, *Compliance, Reporting and Auditing for Human and Social Service*.

Supplier Diversity Program (SDP). Massachusetts Executive Order 524 established a policy to promote the award of state contracts in a manner that develops and strengthens Minority and Women Business Enterprises (M/WBEs) that resulted in the Supplier Diversity Program in Public Contracting. M/WBEs are strongly encouraged to submit responses to this RFR, either as prime vendors, joint venture partners or other type of business partnerships. All bidders must follow the requirements set forth in the SDP section of the RFR, which will detail the specific requirements relating to the prime vendor's inclusion of M/WBEs. Bidders are required to develop creative initiatives to help foster new business relationships with M/WBEs within the primary industries affected by this RFR. In order to satisfy the compliance of this section and encourage bidder's participation of SDP objectives, the Supplier Diversity Program (SDP) Plan for large procurements greater than \$150,000 will be evaluated at 10% or more of the total evaluation. Once an SDP Plan is submitted, negotiated and approved, the agency will then monitor the contractor's performance, and use actual expenditures with SDO certified contractors to fulfill their own SDP expenditure benchmarks. M/WBE participation must be incorporated into and monitored for all types of procurements regardless of size; however, submission of an SDP Plan is mandated only for large procurements over \$150,000.

This RFR will contain some or all of the following components as part of the Supplier Diversity Program Plan submitted by bidders:

- Sub-contracting with certified M/WBE firms as defined within the scope of the RFR,
- Ancillary use of certified M/WBE firms,
- Growth and Development activities to increase M/WBE capacity,

A Minority Business Enterprise (MBE), Woman Business Enterprise (WBE), M/Non-Profit, or W/Non-Profit, is defined as such by the Supplier Diversity Office (SDO). All certified businesses that are included in the bidder's SDP proposal are required to submit an up to date copy of their SDO certification letter. The purpose for this certification is to participate in the Commonwealth's Supplier Diversity Program for public contracting. Minority- and Women-Owned firms that are not currently certified but would like to be considered as an M/WBE for the purpose of this RFR should submit their application at least two weeks prior to the RFR closing date and submit proof of documentation of application for consideration with their bid proposal. For further information on SDO certification, contact their office at 1-617-502-8851 or via the Internet at mass.gov/SDO.

Supplier Diversity Program Subcontracting Policies. Prior approval of the agency is required for any subcontracted service of the contract. Agencies may define required deliverables including, but not limited to, documentation necessary to verify subcontractor commitments and expenditures with Minority- or Women-Owned Business Enterprises (M/WBEs) for the purpose of monitoring and enforcing compliance of subcontracting commitments made in a bidder's Supplier Diversity Program (SDP) Plan. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors.

Agricultural Products Preference (only applicable if this is a procurement for Agricultural Products) - Chapter 123 of the Acts of 2006 directs the State Purchasing Agent to grant a preference to products of agriculture grown or produced using locally grown products. Such locally grown or produced products shall be purchased unless the price of the goods exceeds the price of products of agriculture from outside the Commonwealth by more than 10%. For purposes of this preference, products of agriculture are defined to include any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products, the raising of livestock, including horses, raising of domesticated animals, bees, fur-bearing animals and any forestry or lumbering operations.

Best Value Selection and Negotiation. The Procurement Management Team (PMT) may select the response(s) which demonstrates the best value overall, including proposed alternatives that will achieve the procurement goals of the department. The PMT and a selected bidder, or a contractor, may negotiate a change in any element of contract performance or cost identified in the original RFR or the selected bidder's or contractor's response which results in lower costs or a more cost effective or better value than was presented in the selected bidder's or contractor's original response.

Bidder Communication. Bidders are prohibited from communicating directly with any employee of the procuring department or any member of the PMT regarding this RFR except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through Comm-PASS.

Comm-PASS. Comm-PASS is the official system of record for all procurement information which is publicly accessible at no charge at www.comm-pass.com. Information contained in this document and in each tab of the Solicitation, including file attachments, and information contained in the related Bidders' Forum(s), are all components of the Solicitation.

Bidders are solely responsible for obtaining all information distributed for this Solicitation via Comm-PASS, by using the free Browse and Search tools offered on each record-related tab on the main navigation bar (Solicitations and Forums). Forums support Bidder submission of written questions associated with a Solicitation and publication of official answers. All records on Comm-PASS are comprised of multiple tabs, or pages. For example, Solicitation records contain Summary, Rules, Issuer(s), Intent or Forms & Terms and Specifications, and Other Information tabs. Each tab contains data and/or file attachments provided by the Procurement Management Team. All are incorporated into the Solicitation.

It is each Bidder's responsibility to check Comm-PASS for:

- Any addenda or modifications to this Solicitation, by monitoring the "Last Change" field on the Solicitation's Summary tab, and
- Any Bidders' Forum records related to this Solicitation (see Locating a Online Bidders' Forum for information on locating these records).

The Commonwealth accepts no responsibility and will provide no accommodation to Bidders who submit a Response based on an out-of-date Solicitation or on information received from a source other than Comm-PASS.

Comm-PASS SmartBid Subscription. Bidders may elect to obtain an optional SmartBid subscription which provides value-added features, including automated email notification associated with postings and modifications to Comm-PASS records. When properly configured and managed, SmartBid provides a subscriber with:

- A secure desktop within Comm-PASS for efficient record management
- A customizable profile reflecting the subscriber's product/service areas of interest
- A customizable listing in the publicly accessible Business Directory, an online "yellow-pages" advertisement
- Full-cycle, automated email alert whenever any record of interest is posted or updated
- Access to Online Response Submission, when allowed by the Issuer, to support:
 - paperless bid drafting and submission to an encrypted lock-box prior to close date
 - electronic signature of OSD forms and terms; agreement to defer wet-ink signature until Contract award, if any
 - withdrawal of submitted bids prior to close date
 - online storage of submitted bids

Every public purchasing entity within the borders of Massachusetts may post records on Comm-PASS at no charge. Comm-PASS has the potential to become the sole site for all public entities in Massachusetts. SmartBid fees are only based on and expended for costs to operate, maintain and develop the Comm-PASS system.

Contract Expansion. If additional funds become available during the contract duration period, the department reserves the right to increase the maximum obligation to some or all contracts executed as a result of this RFR or to execute contracts with contractors not funded in the initial selection process, subject to available funding, satisfactory contract performance and service or commodity need.

Costs. Costs which are not specifically identified in the bidder's response, and accepted by a department as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

Debriefing. *☞ Required for POS Only. This is an optional specification for non-POS RFRs.* Non-successful bidders may request a debriefing from the department. Department debriefing procedures may be found in the RFR. Non-successful POS bidders aggrieved by the decision of a department must participate in a debriefing as a prerequisite to an administrative appeal.

Debriefing/Appeals: Administrative Appeals to Departments. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the debriefing process and remain aggrieved with the decision of the department may appeal that decision to the department head. Department appeal procedures may be found in the RFR.

Debriefing/Appeals: Administrative Appeals to OSD. *☞ Required for POS Only. Not applicable to non-POS bidders.* Non-successful bidders who participate in the department appeal process and remain aggrieved by the selection decision of the department may appeal the department decision to the Operational Services Division. The basis for an appeal to OSD is limited to the following grounds:

1. The competitive procurement conducted by the department failed to comply with applicable regulations and guidelines. These would be limited to the requirements of 801 CMR 21.00 or any successor regulations, the policies in the OSD Procurement Information Center, subsequent policies and procedures issued by OSD and the specifications of the RFR; or
2. There was a fundamental unfairness in the procurement process. The allegation of unfairness or bias is one that is easier to allege than prove, consequently, the burden of proof rests with the bidder to provide sufficient and specific evidence in support of its claim. OSD will presume that departments conducted a fair procurement absent documentation to the contrary.

Requests for an appeal must be sent to the attention of the State Purchasing Agent at Room 1017, One Ashburton Place, Boston, MA 02108 and be received within fourteen (14) calendar days of the postmark of the notice of the department head's decision on appeal. Appeal requests must specify in sufficient detail the basis for the appeal. Sufficient detail requires a description of the published policy or procedure which was applied and forms the basis for the appeal and presentation of all information that supports the claim under paragraphs 1 or 2 above. OSD reserves the right to reject appeal requests based on grounds other than those stated above or those submitted without sufficient detail on the basis for the appeal.

The decision of the State Purchasing Agent shall be rendered, in writing, setting forth the grounds for the decision within

sixty (60) calendar days of receipt of the appeal request. Pending appeals to the State Purchasing Agent shall not prohibit the department from proceeding with executing contracts.

Electronic Communication/Update of Bidder's/Contractor's Contact Information. It is the responsibility of the prospective bidder and awarded contractor to keep current the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the PMT, including requests for clarification. The PMT and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the PMT to be lost or rejected by any means including email or spam filtering.

Electronic Funds Transfer (EFT). All bidders responding to this RFR must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments, unless the bidder can provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors are able to track and verify payments made electronically through the Comptroller's Vendor Web system. A link to the EFT application can be found on the [OSD Forms](http://www.mass.gov/osd) page (www.mass.gov/osd). Additional information about EFT is available on the [VendorWeb](http://www.mass.gov/osc) site (www.mass.gov/osc). Click on MASSfinance.

Successful bidders, upon notification of contract award, will be required to enroll in EFT as a contract requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to this department for review, approval and forwarding to the Office of the Comptroller. If the bidder is already enrolled in the program, it may so indicate in its response. Because the *Authorization for Electronic Funds Payment Form* contains banking information, this form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

The requirement to use EFT may be waived by the PMT on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. The PMT will consider such requests on a case-by-case basis and communicate the findings with the bidder.

Environmental Response Submission Compliance. In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all responses submitted should comply with the following guidelines:

- All copies should be printed double sided.
- All submittals and copies should be printed on recycled paper with a minimum post-consumer content of 30% or on tree-free paper (i.e. paper made from raw materials other than trees, such as kenaf). To document the use of such paper, a photocopy of the ream cover/wrapper should be included with the response.
- Unless absolutely necessary, all responses and copies should minimize or eliminate use of non-recyclable or non re-usable materials such as plastic report covers, plastic dividers, vinyl sleeves and GBC binding. Three ringed binders, glued materials, paper clips and staples are acceptable.
- Bidders should submit materials in a format which allows for easy removal and recycling of paper materials.
- Bidders are encouraged to use other products which contain recycled content in their response documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Where appropriate, bidders should note which products in their responses are made with recycled materials.
- Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

Executive Order 509, Establishing Nutrition Standards for Food Purchased and Served by State Agencies. Food purchased and served by state agencies must be in compliance with Executive Order 509, issued in January 2009. Under this Executive Order, all contracts resulting from procurements posted after July 1, 2009 that involve the purchase and provision of food must comply with nutrition guidelines established by the Department of Public Health (DPH). The nutrition guidelines are available at the Department's website: [Executive Order # 509 Guidance](#).

Filing Requirements. *Required for POS Only. Not applicable to non-POS bidders.* Successful bidders must have filed their Uniform Financial Statements and Independent Auditor's Report (UFR), as required for current contractors, with the Operational Services Division via the Internet using the UFR eFiling application for the most recently completed fiscal year before a contract can be executed and services may begin. Other contractor qualification/risk management reporting requirements and non-filing consequences promulgated by secretariats or departments pursuant to 808 CMR 1.04(3) may also apply. In the event immediate services are required by a department, a contract may be executed and services may begin with the approval of OSD and the appropriate secretariat. However, unless authorized by OSD and the appropriate secretariat, the contractor will not be paid for any such services rendered until the UFR has been filed.

HIPAA: Business Associate Contractual Obligations. Bidders are notified that any department meeting the definition of a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) will include in the RFR and resulting contract sufficient language establishing the successful bidder's contractual obligations, if any, that the department will require in order for the department to comply with HIPAA and the privacy and security regulations promulgated thereunder (45 CFR Parts 160, 162, and 164) (the Privacy and Security Rules). For example, if the department determines that the successful bidder is a business associate performing functions or activities involving protected health information, as such terms are used in the Privacy and Security Rules, then the department will include in the RFR and resulting contract a sufficient description of business associate's contractual obligations regarding the privacy and security of the protected health information, as listed in 45 CFR 164.314 and 164.504 (e), including, but not limited to, the bidder's obligation to: implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the protected health information (in whatever form it is maintained or used, including verbal communications); provide individuals access to their records; and strictly limit use and disclosure of the protected health information for only those purposes approved by the department. Further, the department reserves the right to add any requirement during the course of the contract that it determines it must include in the contract in order for the department to comply with the Privacy and Security Rules. Please see other sections of the RFR for any further HIPAA details, if applicable.

Minimum Bid Duration. Bidders responses/bids made in response to this RFR must remain in effect for at least 90 days from the date of bid submission.

Pricing: Price Limitation: The bidder must agree that no other state or public entity customer within the United States of similar size and with similar terms and conditions shall receive a lower price for the same commodity and service during the contract period, unless this same lower price is immediately effective for the Commonwealth. If the Commonwealth believes that it is not receiving this lower price as required by this language, the bidder must agree to provide current or historical pricing offered or negotiated with other state or public entities at any time during the contract period in the absence of proprietary information being part of such contracts.

Prompt Payment Discounts (PPD). All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder can provide compelling proof that it would be unduly burdensome. PPD benefits both contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays. The Commonwealth benefits because contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's Vendor Web system. The PPD form can be found under the Forms and Terms tab of this solicitation.

Bidders must submit agreeable terms for Prompt Payment Discount using the PPD form within their proposal, unless otherwise specified by the PMT. The PMT will review, negotiate or reject the offering as deemed in the best interest of the Commonwealth.

The requirement to use PPD offerings may be waived by the PMT on a case-by-case basis if participation in the program would

be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in or attached to the PPD form.

Provider Data Management. *☞ Required for POS Only. Not applicable to non-POS bidders.* The Executive Office of Health and Human Services (EOHHS) has established a Provider Data Management (PDM) business service that is integrated into the Virtual Gateway. PDM is accessible by providers with current POS contracts. Departments may require that bidders with current POS contracts submit certain RFR-required documents through PDM. These documents have been specified in the RFR. When submitting documents via PDM, bidders are required to print and sign a PDM Documentation Summary. PDM users should verify that all information is accurate and current in PDM. Bidders are required to include the signed PDM Documentation Summary in their RFR response.

Public Records. All responses and information submitted in response to this RFR are subject to the Massachusetts Public Records Law, M.G.L., c. 66, s. 10, and to c. 4, s. 7, ss. 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

Reasonable Accommodation. Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case by case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. The PMT reserves the right to reject unreasonable requests.

Restriction on the Use of the Commonwealth Seal. Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

Subcontracting Policies. Prior approval of the department is required for any subcontracted service of the contract. Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.

*The Department of Agricultural Resources is an Affirmation Action/Equal Opportunity Employer. Women,
Minorities, Veterans*

*and Handicapped persons are encouraged to apply.
This RFR is available in alternative formats upon request.*

REQUEST FOR RESPONSE – AGR-AIP13-4

**MASACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES
APR Improvement Program**

Section II - APPLICATION

It is important that you read Section I entitled Program Description before completing this Section II entitled Application. Key information is contained in Section I. In this Section, special instructions are in bold and Italics. Please read and respond to each question carefully. Up to two (2) pages of extra sheets with additional information may be attached to respond to these questions (letter size paper, font size no smaller than 12).

Please type or print clearly in ballpoint pen.

Date _____

Municipality:	Date received: (official use only)
County:	Received by: (official use only)

1. Applicant(s):

Name:		
Mailing Address:		
Town:	Zip:	E-Mail:
Home Phone:	Other Phone:	
Website address for farm:		

2a. Farm location if different from above:

Address:	Town:	Zip:
Phone:		
Name of person in residence:		

2b. Owner(s) of record if different from applicant(s):

1. Name:	2. Name:
Address:	Address:
Phone:	Phone:

Is the owner a Trust or Corporation? Yes _____ No _____

Is the owner a non-profit organization? Yes _____ No _____

2c. Farm name, Corporate, Trust or Business name, if any:

--

2d. Name of land owner(s) who received the APR payment

--

Date APR was originally closed/recorded (if known)

_____ (day - month - year)

2e. Current Owner of APR

--

Date APR property transferred to current owner (if applicable)

_____ (day - month - year)

2f. How many years has the APR property been managed as an active, commercial agricultural enterprise by the Responder? _____

3a. What are the primary farm businesses and/or crops currently on the farm? Check all that apply.

Dairy	Vegetable	Orchard	Nursery	Greenhouse	Maple
Forest products		Other livestock	Other: (<i>specify</i>)		
Is there a retail or value-added operation?			Explain		
Yes No					
Are you planning to go into retail or value added? Yes No			Explain		

3b. List the agricultural activities carried out on the farm (crops grown with number of acres for each crop, livestock produced with kind and number, number of taps and gallons of maple syrup per year, square feet of green house space, etc.)

- 4 a. How many acres of farmland does the applicant own? _____ Acres
 b. How many acres of land under APR does the applicant own? _____ Acres
 c. How many acres of farmland do you use or rent or lease *from* other people? _____ Acres
 d. Do you rent land *to* others? Yes ____ No ____ If Yes, how many acres? _____ Acres
 If Yes, indicate how the rented land is used _____

5. **Please include two maps with your application:** (1) a United States Geological Survey topographical map. Draw an outline to show the approximate location and perimeter boundary of your property. (2) A an aerial photograph or a copy of a map from your USDA-NRCS farm plan. On this second map, please draw outlines showing the following boundaries and label a, b and c, as follows:

- a. What do you own? Include all parcels even if each parcel is not contiguous.
 b. Indicate what land is restricted by the APR
 c. Indicate any land that is excluded from the restriction

6. Please complete this table:

LAND TYPE OR USAGE	Acres rented- by use	Acres owned by use	TOTAL Acres by use
Example: Tillable cropland	30	70	100
A. Tillable cropland			
B. Non-tillable cropland			
C. Nursery – Orchard – Cranberry Bog			
D. Pasture			
E. Managed woodland			
F. Non-managed woodland			
G. Ponds, wetlands			
H. Land occupied by farm buildings			
I. Land occupied by buildings or residences			
Totals			

- 7a. How many people earn full time income(s) from the farm? _____
Of these, how many are immediate family? (children, spouses, siblings) _____
- 7b. How many people are employed part time? _____ Of these, how many are immediate family? _____
How many seasonal employees are hired? _____ For what months? _____
- 7c. Who are the current managers on the farm, what are their roles, and how many years of agricultural experience does each manager have?
Farm Manager: _____ Role: _____ # of Years farming: _____

- 7d. Has the manager/s completed a MDAR Agricultural Business Training Program course? (Exploring Your Small Farm Dream, Planning for Start-up, or Tilling the Soil of Opportunity) Yes ____ No ____
List any other business or management training of managers: _____

- 7e. Has the applicant ever participated in any of the following MDAR programs? Please mark Yes or No for each, and if Yes, please list the approximate year of participation: _____ :

Program	Yes	No	Year of Participation
APR Improvement Program (AIP)			
Farm Viability Enhancement Program (FVEP)			
Matching Enterprise Grants for Agriculture (MEGA)			
Agricultural Environmental Enhancement Program (AEEP)			
Agricultural Energy Grant Program			

8. Plans may include an environmental assessment and suggest options for actions that can be taken to improve environmental sustainability. How high would you rate the importance of an environmental assessment at your farm? High ____ Moderate ____ Low ____ Check any of the following that apply:

Erosion & sediment control	Water Management (wells, rivers)
Nutrient & manure management	Pesticide management
Facility wastewater and runoff control	Other (<i>describe</i>)

9. Do you have a United States Department of Agriculture (USDA)-Natural Resource Conservation Service (NRCS) conservation plan for your farm? Yes ____ No ____ If Yes, date of Plan _____
10. Are you applying for the Special Purpose funding due to damages from Tropical Storm Irene in August 2011? Yes ____ No ____ If Yes, did you attach the one-page addendum to this application? Yes ____ No ____

All landowners of record and those who will receive the grant award must sign this application; otherwise the Department shall not process it.

Signature Date _____

Signature Date _____

Signature Date _____

REQUEST FOR RESPONSE AGR-AIP13-4

**MASSACHUSETTS DEPARTMENT OF AGRICULTURAL RESOURCES
APR Improvement Program**

SECTION III - FINANCIAL STATEMENT AND NARRATIVE

*It is important that you read Section I entitled Program Description before completing this Section III Financial Statement and Narrative. Key information is contained there. In the Financial Statement below, special instructions are in bold and Italics. Please read and respond to each question carefully. This section is to be completed by the farm operator(s). **ALL QUESTIONS MUST BE ANSWERED***

1. List any liens or encumbrances, and the amounts, on the farm as described in the Application – Section II.

Encumbrance (to whom is the money owed)	\$ Amount owed

Do any of these include a lien on your residence, or a mortgage on the property including your home?
_____ Yes _____ No _____ Check here if there is no debt associated with the farm.

2. To complete this section, applicants should use their 2009, 2010 and 2011 Schedules F or 1120S or 1120C forms. Copies of these records are not needed by the Department at this time, but will have to be presented to representatives of the Department during Phase I of the Program.

Please complete the following summary. If 2011 taxes are not completed, estimate 2011 gross and net income

Tax Year	Gross Farm Income	Net Farm Income	Other Farm Income (rent, custom work, gravel sales)
2009			
2010			
2011			

Do you live solely off the farm income now? Yes _____ No _____

3. Please include off-farm income/jobs that immediate family members have:

Relationship	Name	Off-farm income that contributes to family
Operator		\$ _____ estimated annual
Partner/Spouse		\$ _____ estimated annual
Other:		\$ _____ estimated annual

Please note: Responses to the following questions are the most important consideration in reviewing applications. Be thorough in explaining your circumstances. Up to 2 pages of extra sheets with additional information may be attached to respond to these questions (letter size paper, font size no smaller than 12).

- 4a. The Program's goal is to provide farmers with a plan of action to make their farms more viable. What challenges and needs do you see that are a barrier to the continued success of your operation?
Some examples include 1) regulations that must be met, 2) development pressures, 3) need to expand, 4) family succession issues, 5) moving from wholesale to retail, 6) debt and/or not making enough money, and 7) any environmental concerns.

- 4b. Identify any opportunities or assistance that you think would help address the challenges and needs of your operation

- 4c. What do you think should be done to improve the economic viability and sustainability of your farm?

- 4d. Describe your short and long-term plans for keeping the land in active agricultural use.

5. The following **MUST** be included with your application, as indicated in Section II, 5 a, b & c.

- USGS topographical map with your property location outlined
- Aerial photograph with your farm property outlined including APR land and exclusion

By signing below, you are authorizing the Department to conduct a field inspection of the APR farmland. In addition, those signing below are expressing a willingness to execute a Performance Contract. ***All farm operators must sign Section III. Substitutes or signatures initialed by another person will not be accepted.***

_____	Date _____
Signature	
_____	Date _____
Signature	
_____	Date _____
Signature	

Send completed application to:

**Massachusetts Department of Agricultural Resources
Attn: Melissa Adams
101 University Drive Suite C4
Amherst, MA 01002**

The deadline for responses to be received is 3:00 P.M. Tuesday, June 26, 2012.

****Electronic copies and Facsimiles shall not be accepted. Postmarks shall not be considered.****